

CHAPTER 101

THE CONVICTS' LICENCES ACT

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 CONVICTS' LICENCES

(11th February, 1886.)

2/1886.
S.R.O. 22/1956.

1. This Act may be cited as the Convicts' Licences ^{short title.} Act.

2. In this Act—

Interpretation.

"imprisonment" means imprisonment in a prison, with or without hard labour, as the case may be;

"licence-holder" means person to whom a licence is granted under this Act, and who holds or is entitled to hold such licence;

"prison" means prison established under the Prison Act;

"prisoner" means person undergoing, or hereafter to undergo imprisonment, whether under sentence of any Court of Antigua and Barbuda or of any Colony, the term of whose original sentence was, or shall not be, less than two years.

3. (1) The Governor-General may, by order under his hand, grant to any prisoner in Antigua and Barbuda a licence to be at large in Antigua and Barbuda during such portion of his imprisonment as to the Governor-General may seem fit; and the Governor-General may, by order under his hand, revoke or alter such licence, at his pleasure.

License and discharge of prisoners.

(2) Such licence may be in the form in the First Schedule, or in such other form as the Governor-General may order.

First Schedule.

(3) On any licence being granted, a copy thereof shall be kept in the Governor-General's office and another copy thereof shall be sent to the Commissioner of Police and shall be kept by him at his office.

(4) Any person to whom a licence is granted under this Act shall be set at liberty in Antigua and Barbuda.

Rights of licence-holder.

4. So long as a licence shall continue in force and unrevoked, the licence-holder shall not be liable to be imprisoned by reason of his sentence, but shall be allowed to go and remain at large according to the terms of such licence.

Duties and liabilities of licence-holder.

5. Every licence-holder shall, within forty-eight hours after he is set at liberty, notify the place of his residence to the Magistrate of the district in which he resides, and, whenever he changes such residence within the same district, shall notify such change of residence to the Magistrate of such district, and, whenever he changes his residence from the district of one Magistrate into the district of another Magistrate, he shall notify such change of residence to the Magistrate of the district which he is leaving, and also to the Magistrate of the district into which he goes to reside. And every licence-holder shall, once in every month, report himself and the place of his residence either to the Commissioner of Police or to the police officer in charge of the nearest police station, and such report shall be made at such time in the month, and either personally or by letter, as the Commissioner of Police may direct, and it shall be the duty of every police officer who receives any such report to forward the same immediately to the Commissioner of Police.

Licence forfeited on subsequent conviction.

6. If any licence-holder is convicted, either by the verdict of a jury or upon his own confession, of any offence for which he is indicted, his licence shall be forthwith forfeited by virtue of such conviction.

Liabilities of licence-holder when at large.

7. If any licence-holder who is at large in Antigua and Barbuda remains in any district after he is set at liberty for forty-eight hours without notifying his place of residence to the Magistrate of the district in which such place is situated, or fails to comply with the requisitions of section 5 of this Act on the occasion of any change of residence, or with the requisitions of the said last mentioned section as to reporting himself once in each month, he shall in every such case, unless he proves to the satisfaction of the Court before whom he is tried that he did his best to act in conformity with the law, be guilty of an offence under this Act punishable summarily, and, upon conviction thereof, his licence may, in

the discretion of the Court, be forfeited, or, if the original term of imprisonment in respect of which his licence was granted has expired at the date of his conviction, it shall be lawful for the Court to sentence him to imprisonment, with or without hard labour, for a term not exceeding six months, or, if the said original term of imprisonment has not expired but the remainder unexpired thereof is a lesser period than six months, then in addition to the forfeiture of his licence, to sentence him to imprisonment, with or without hard labour, to commence at the expiration of the said original term of imprisonment, for such a time as together with the remainder unexpired of his said original term of imprisonment will not exceed six months.

8. If any licence-holder—

(a) fails to produce his licence when required so to do by any Judge or Magistrate before whom he is brought charged with any offence, or by any constable or police officer in whose custody he is, and also fails to make any reasonable excuse for not producing the same; or

(b) breaks any of the other conditions of his licence by an act that is not of itself punishable either upon indictment or upon summary conviction;

he shall be deemed guilty of an offence punishable summarily by imprisonment for any period not exceeding three months, with or without hard labour.

9. Any constable or police officer may, without warrant, take into custody any licence-holder whom he reasonably suspects of having committed any offence, or of having broken any of the conditions of his licence, and may detain him in custody until he can be taken before a Magistrate and dealt with according to law.

10. Any offence under this Act may be prosecuted summarily before a Magistrate.

11. Where any holder of a licence granted under this Act is convicted of an offence punishable summarily under this or any other Act, the Magistrate convicting the prisoner shall, without delay, forward by post or otherwise to the Governor-General, a certificate in the form in the Second

Punishment for failing to produce licence etc.

Apprehension of suspected licence-holder.

Procedure.

Magistrate to forward to Governor-General certificate of conviction.

Second Schedule. Schedule, and thereupon the licence of the said licence-holder may be revoked in manner provided by this Act.

Apprehension on revocation of licence.

12. Whenever the Governor-General revokes a licence and signifies such revocation to a Magistrate, such Magistrate shall, if the licence-holder be not already in custody, immediately issue his warrant for his apprehension. On any licence-holder being brought before any Magistrate, either on such warrant or otherwise, after the Governor-General's revocation signified as aforesaid, the Magistrate shall, by warrant under his hand, commit such licence-holder to prison and thereupon the licence-holder shall be remitted to his original sentence and shall undergo the residue thereof as if no licence had been granted.

Licence-holder convicted of an offence to undergo remainder of original term.

13. Where a licence is forfeited by a conviction for any offence, the licence-holder, after undergoing the punishment for the offence in consequence of which his licence is forfeited, shall further undergo a term of imprisonment equal to the portion of his term of imprisonment that remains unexpired at the time his licence was granted, and he shall for such purpose be committed to prison under the order of the Court or Magistrate before whom he is convicted, there to be dealt with accordingly.

Power to frame forms.

14. The Governor-General may, from time to time, if necessary, cause to be framed forms to be used under this Act and may, from time to time, alter or annul any of such forms.

Power of pardon not affected.

15. Nothing in this Act shall affect Her Majesty's royal prerogative of mercy, or any like prerogative or power vested in the Governor-General.

FIRST SCHEDULE

S.3

LICENCE

Antigua and
Barbuda.

I, _____ Governor-General
of Antigua and Barbuda in exercise of the powers in
this behalf in me vested, do hereby grant to
_____ who was convicted of _____
at the High Court, on the _____ day of _____
in the year 19____, and was then and there sentenced to be kept
to _____ imprisonment,
and is now confined in the Prison in _____
this my licence to be at large in Antigua and Barbuda, from the
day of liberation under this my order, during the remaining portion
of the said term of imprisonment, unless the said
_____ shall, before the expiration of the said term, be convicted of some
indictable offence within Antigua and Barbuda, in which case this
licence will be immediately forfeited by law, or unless the licence
be revoked by me in accordance with the provisions of the Con-
victs' Licences Act.

This licence is given subject to the conditions indorsed
hereupon, and, upon the breach of any such conditions, this licence
will be liable to be revoked, whether such breach is followed by
a conviction or not.

And I the said Governor-General do hereby order that the said
_____ be set at liberty within _____ days from the date
of this my order.

Given under my hand at the Governor-General's Office in
Antigua and Barbuda, this _____ day of _____

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 CONDITIONS

1. The holder shall preserve this licence, and produce it when called upon to do so by a Magistrate or police officer.
2. The holder shall abstain from any violation of the law.

3. The holder shall not habitually associate with notoriously bad characters, such as reputed thieves and prostitutes.

4. The holder shall not lead an idle and dissolute life, without visible means of obtaining an honest livelihood.

If this licence is revoked by the Governor-General the holder will be liable to undergo a term of imprisonment equal to the portion of his term of years which remained unexpired when this licence was granted viz: – the term of _____ years. And if this licence is forfeited in consequence of a conviction of the holder for any offence, the holder will be liable to undergo the unexpired term of imprisonment above mentioned, in addition to the punishment inflicted on him for such offence.

SECOND SCHEDULE

S. 11

I do hereby certify that
the holder of a licence under the Convicts' Licences Act, was,
on the _____ day of _____ 1 9 _____ duly
convicted by me of the offence of _____
and sentenced to _____

(Signed)
Magistrate,
District.
